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In Re: Louis Watley

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NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 11-2068

IN RE: LOUIS WATLEY,
Petitioner

On a Petition for Writ of Mandamus from the
United States District Court for the District of New Jersey
(Related to D.N.J. Civ. No. 2-10-cv-05086)

Submitted Pursuant to Rule 21, Fed. R. App. P.
July 14, 2011
Before: SCIRICA, HARDIMAN and VANASKIE, Circuit Judges

(Opinion filed: August 1, 2011)

OPINION

PER CURIAM

Louis Watley seeks a writ of mandamus, pursuant to 28 U.S.C. § 1651, directing the United States District Court for the District of New Jersey to rule on his habeas corpus petition. Subsequent to the filing of this mandamus petition, however, the District Court dismissed Watley's habeas petition without prejudice for failure to exhaust state remedies.¹ Accordingly, to the extent Watley seeks to have this Court order the District

¹ Watley's appeal of that decision is pending before this Court. See CA No. 11-2808.

Court to rule on the habeas petition, his mandamus petition will be denied as moot. See Blanciak v. Allegheny Ludlum Corp., 77 F.3d 690, 698-99 (3d Cir. 1996) (“If developments occur during the course of adjudication that . . . prevent a court from being able to grant the requested relief, the case must be dismissed as moot.”). And to the extent Watley requests that we “declare” as “arbitrary, capricious, and [an] abuse of power” the District Court’s seven-month delay in adjudicating the habeas petition, that request is denied; mandamus is not a substitute for an appeal. See In re Chambers Dev. Co., 148 F.3d 214, 226 (3d Cir. 1998).